UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.24
9 November 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 3 April 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

later: Mr. RODRÍGUEZ CEDEÑO (Venezuela)

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GE.00-12299 (E)

The meeting was called to order at 3.10 p.m.

STATEMENT BY MR. THORBJØRN JAGLAND, MINISTER FOR FOREIGN AFFAIRS OF NORWAY

1. Mr. JAGLAND (Norway) reaffirmed his Government's commitment to the protection of human rights. At the national level, since the adoption of the Universal Declaration of Human Rights and other related instruments, his Government had been striving to adapt its political and legal system to that commitment, as witnessed by the incorporation of the core human rights instruments into Norwegian law and the adoption of a national action plan in that area. Human rights were universal rights; but they also had to be put into practice.

2. The right to life was the most fundamental of human rights. He urged all States Members of the United Nations which had not yet done so to abolish capital punishment and called on the Commission to take a clear stand on that issue.

3. Racism and racial discrimination, to which no country was immune, had to be tackled by raising awareness, with Governments taking the lead. In Norway, a legislative committee had recently been appointed to prevent ethnic discrimination in all sectors and at all levels of society. Legal equality was a first step; the next was to root out the inequalities that existed by protecting the underprivileged. The international community should contribute by ensuring, at the very least, that existing international standards were observed. As a result of globalization, there was a trend for people to seek, quite justifiably, to preserve their identity. However, care must be taken to ensure that the trend did not degenerate into chauvinism, intolerance or outright racism.

4. Combating poverty must be a priority. That was why the right to development, which was based on the idea that the primary responsibility for ensuring the well-being of the population rested with the State, was so important. Countries had a duty to provide assistance in that area. It was regrettable that most of the industrialized countries were well below the agreed target of devoting 0.7 per cent of their gross national product to development. In a global economy, solutions had to be global. What was needed was a new partnership between developing countries and developed countries, with commitments from the former to follow results-oriented policies and from the latter to meet their target of 0.7 per cent within a given time limit.

5. With reference to the Declaration on Human Rights Defenders adopted by the General Assembly of the United Nations, he said that his delegation would shortly be submitting a draft resolution to the Commission requesting the establishment of a mechanism to advise Governments, monitor the implementation of the Declaration and gather information on the situation of human rights defenders in all parts of the world.

6. In February 2000, Norway had become the seventh State to ratify the Rome Statute of the International Criminal Court. He invited all States to take the necessary steps to ratify the Statute.

7. With regard to the protection of human rights, he stressed the importance of assistance and cooperation. His Government provided such assistance both bilaterally and within the framework of the Technical Cooperation Programme in the Field of Human Rights of the Office of the High Commissioner for Human Rights.

8. His Government fully supported the work of the Special Representative of the Secretary-General on the impact of armed conflict on children, as well as the work of the United Nations Children's Fund (UNICEF) and other international organizations active in that field. It also welcomed the fact that two additional protocols to the Convention on the Rights of the Child were to be considered at the current session.

9. Every year 3 million children died from curable diseases. His Government was prepared to make a substantial contribution to the global vaccination programme set up under the auspices of the World Health Organization, the World Bank, UNICEF and private donors.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(agenda item 10) (continued) (E/CN.4/2000/6 and Add.1-2, 46 and Add.1, 47-49, 51, 52/Add.1 and 53; E/CN.4/2000/NGO/13, 14, 32, 34, 40, 46, 49, 61, 76, 77, 90, 93, 94, 113, 125 and 140; CHR/RES/1998/25 and 26; E/CN.4/Sub.2/1999/12; E/CN.4/1999/48 and 49; E/CN.4/Sub.2/1999/10; E/1999/55; A/54/316 and 222 and Add.1)

10. Ms. TOMASEVSKI (Special Rapporteur on the right to education), introducing her report (E/CN.4/2000/6 and Add.1 and 2), said that one innovation in her work was the follow up to her country missions. She had visited Uganda twice in the previous year, including as part of her cooperation with UNICEF, and had observed great improvements in primary education. She had also visited the United Kingdom, where the Government stressed rights-based education in the framework of its international cooperation. She would report on the follow-up to that mission at the next session of the Commission.

11. With regard to the realization of the right to education, the situation was not very satisfactory. The obstacles to the realization of that right, which were mainly financial, still affected at least half of the children in the world. Fees were charged in at least 42 countries for primary education, which was not compulsory in 48 countries.

12. As the Commission wished to establish a dialogue with the international development agencies, she had continued to cooperate with the World Bank. She had found that there was a big difference between the concept of education itself and the right to education. In particular, the length of time spent in basic education, which currently concerned children aged between 6 and 11, should be extended up to the minimum age for admission to employment.

13. If primary education was to be truly compulsory, it must also be free. In that respect, the international community as a whole would have to comply with international human rights standards. The draft final document for the meeting of the International Consultative Forum on Education for All, due to be held shortly in Dakar, marked a big step forward in that regard, as it specifically referred to the right to education as one of the fundamental rights, the need for primary education to be compulsory and free and the absence of gender bias in school

programmes. One of the gaps in international strategies remained the non-recognition of grounds for discrimination in education. There was a lack of statistics on access to education according to race, ethnic origin, religion or membership of a minority.

14. Another area which had attracted her attention was the legal status of the right to education, on which she had undertaken a worldwide study of jurisprudence. In most countries, education had become a legal obligation, as shown by the abundance of case law illustrating the four fundamental principles on the subject: availability, accessibility, acceptability and adaptability. In some countries, for instance, the courts emphasized the rights of handicapped school children, who should receive an education adapted to their needs.

15. Moreover, the Convention on the Rights of the Child had helped to modify the concept of education, which had once been viewed as something imposed on children, rather than as a right they enjoyed. Her analysis of the jurisprudence showed that the child henceforth had the possibility of going to court to demand access to education; the child was henceforth recognized as a subject of rights, not as the object of an obligation.

16. The right to education went far beyond all children having the opportunity to go to school. It implied that the educational process as a whole should be in conformity with all international human rights standards. In that respect, she proposed, in anticipation of the forthcoming World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, to study educational trends and courses so as to determine to what extent they complied with human rights requirements. She also intended to study the subject from a gender perspective. In that area, there was definitely much to be done.

17. Mr. Rodríguez Cedeño (Venezuela) took the Chair.

18. Mr. BELIZ (Observer for Panama), speaking as coordinator of the group of Central American countries, referred to the issue of the impact of economic adjustment measures on the effective enjoyment of human rights, including the right to development.

19. Human dignity was the central concern of Central American Governments in their efforts to increase employment, which was the most important means of reducing poverty, and he called on the international community to provide greater support for those efforts. Poverty and ignorance were the main enemies of development. The Governments in the region were also trying to consolidate democracy, in the belief that it was the best investment they could make.

20. He thanked the independent expert on structural adjustment, Mr. Fantu Cheru, and the Special Rapporteur on foreign debt, Mr. Figueredo, for their joint report (E/CN.4/2000/51) on the negative effects of debt on the full enjoyment of economic, social and cultural rights. The report clearly showed the burden imposed on developing countries by debt-servicing, citing, among others, the cases of Honduras and Nicaragua. The financial institutions should apply the recommendations in the report and, to that end, should adopt economic policies with a view to achieving sustainable development, social progress and fairness.

21. He was deeply concerned at the build-up of debt, the servicing of which was jeopardizing economic expansion, especially in the developing countries which had implemented structural

adjustments or been hit by natural disasters. He was in favour of a system that would allow those countries to settle their debt problems without neglecting the social and human factor. He called on the international financial community to do more to alleviate that debt. He supported the proposal by the independent expert and the Special Rapporteur to establish a link between debt relief and social action, along the lines of the Brazilian "Bolsa Escola" programme, which had helped boost education and abolish the worst forms of child labour. Every local programme should of course fit in with global projects to eliminate poverty by creating jobs and stable sources of income for the poorest families.

22. Mr. RAJA NUSHIRWAN (Observer for Malaysia) stressed that it was increasingly recognized, including by the developed countries, that there was a close interdependence between economic, social and cultural rights and civil and political rights. The full enjoyment of economic, social and cultural rights was possible, particularly in the developing countries, only if the necessary infrastructure - including schools and hospitals - was in place. In those countries without such an infrastructure, the exercise of those rights was dependent on the cooperation of the international community. He proposed that international partnerships for the realization of economic, social and political rights should be further promoted, so that efforts in that direction would not depend solely on the benevolence of the rich. In that regard, he welcomed the references to the international dimension in the report by the Special Rapporteur on the right to education.

23. His delegation had read with interest the joint report by the independent expert on structural adjustment and the Special Rapporteur on foreign debt, but regretted that their two mandates had been merged. Like the Special Rapporteur on the right to education, the independent expert and the Special Rapporteur denounced the inadequacy of the international system when faced with the non-observance of economic, social and cultural rights in the developing countries. They also rightly denounced the deceptive nature of the Heavily Indebted Poor Countries Debt Initiative and the consensus reached by the G7 in June 1999 in Cologne. The Initiative and the Enhanced Structural Adjustment Facility were in fact only a backdoor way for the World Bank and the International Monetary Fund (IMF) to keep control over the development policies of the indebted countries.

24. He appreciated the frankness with which the authors of the joint report pointed out, in paragraph 97, under the heading "The United Nations system and the challenge of mainstreaming human rights", the shortcomings of the staff of the Office of the High Commissioner for Human Rights, who were "either unfamiliar with the substantive discourse on the links between human rights, economic globalization and the struggle to reform global economic governance, or they simply [did] not care at all". He urged the High Commissioner, whose own abilities were not in question, to remedy that situation. He agreed with some of the corrective measures proposed, namely, to strengthen the internal research and analytical capacity of the Office of the High Commissioner, including by drawing on the resources of the Sub-Commission on the Promotion and Protection of Human Rights. It would really be intolerable if the Office of the High Commissioner for Human Rights, with its aspirations to be a global organization, were to have the same hypocritical attitude as the rich countries towards the poorest.

25. Ms. FIGUEROA (Observer for Honduras) welcomed the joint report by the independent expert on structural adjustment and the Special Rapporteur on foreign debt, which gave a clear account of the situation in her country following the natural disaster caused by Hurricane Mitch in 1998. She regretted that the open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights had been unable to meet; she did not understand why the meeting had been postponed or why some developed countries had so little interest in the question.

26. Her Government appreciated the desire of the authors of the report to make world opinion and international organizations aware of the need to provide unconditional emergency financial aid to the three countries mentioned in the report - Zambia, Honduras and Nicaragua - which were facing a humanitarian crisis. She called on the financial organizations to study the measures recommended by the Special Rapporteur and the independent expert with a view to helping the countries affected embark upon a course of truly sustainable development.

27. The report accurately reflected the situation in Honduras, where a mountain of foreign debt weighed heavily on the economy. Her Government had undertaken reforms approved by the World Bank and the IMF so as to be able to benefit from the Heavily Indebted Poor Countries Debt Initiative. In 1990, it had launched a structural adjustment programme to make the economy more efficient, reduce public spending and encourage the private sector. It had worked to remove the obstacles to foreign trade and price controls, to privatize services and companies and to encourage investment. In order to soften the very heavy impact of the austerity measures on the population, the Government had set up a social investment fund and a family welfare programme focused, respectively, on the establishment of a socio-economic infrastructure and on food aid.

28. Despite its desire to meet all social needs, the Government was forced by lack of resources to limit its action by giving priority to the poorest sectors of the population. It was nevertheless still firmly committed to strengthening democracy and combating poverty. To that end, it had appealed to the international community for the aid that was indispensable for economic recovery. In that perspective, the Government had recently produced a preliminary analysis before drafting a comprehensive strategy, the implementation of which would be a daunting and long-term task. The Government's basic concern was to reduce poverty and it intended to tackle that problem through dialogue with the whole of society, in the interest of all citizens.

29. Ms. BIGI (Observer for San Marino) said that her Government was concerned about the problem of foreign debt, which increased the inequality between rich and poor countries to the detriment of the latter's economic growth. On that point, she praised civil society and non-governmental organizations (NGOs) for their awareness-raising activities. Her Government, for its part, fully supported the all-too-modest initiatives to alleviate or cancel foreign debt. In their joint report, the Special Rapporteur on foreign debt and the independent expert on structural adjustment highlighted, the limitations of the new initiative adopted by the G7 in Cologne in June 1999 to strengthen the action of the IMF and the World Bank; on the other hand, they emphasized the relevance of the link established by that initiative between debt relief and a global strategy to combat poverty. Poverty was indeed one of the main obstacles to the full enjoyment of the fundamental rights set forth in the Universal Declaration of Human Rights. It

was up to the countries concerned to define national strategies, in cooperation with the Bretton Woods institutions, United Nations agencies and NGOs. The funds released by debt relief could be invested in economic and social development, including in education, health, environmental protection and employment.

30. She hoped that, at its next session, the Commission on Human Rights would be able to take note of new, more effective initiatives to alleviate foreign debt and improve living conditions in the countries concerned.

31. Ms. LUDVIGSEN (United Nations Centre for Human Settlements (Habitat)) said that around 1 billion people around the world were not adequately housed and that more than 100 million were homeless. In 1996, the second United Nations Conference on Human Settlements (Habitat II) had adopted the Global Plan of Action, the Habitat Agenda, of which one of the two themes was "adequate shelter for all". Within the framework of that agenda, States had undertaken to take the necessary steps to allow everyone to enjoy, without discrimination, the right to housing and to legal security of tenure. However, the Habitat Agenda was careful not to create unrealistic expectations. While States were required to ensure the progressive realization of the right to adequate housing, they were under no obligation to satisfy all housing needs directly. It was, however, incumbent upon them to create the conditions that would allow that objective to be achieved.

32. At its seventeenth session, the Commission on Human Settlements had endorsed a new approach to the implementation of the Habitat Agenda, one of the main components of which was the promotion of security of tenure. That new approach was based on paragraph 40 of the Habitat Agenda, in which States had undertaken to guarantee legal security of tenure and equal access to land by all people, including, in the case of women, access to economic resources and the right to inheritance and to ownership of property. The new global campaign for secure tenure put the emphasis on building partnerships between the various levels of government, United Nations organizations, the private sector, NGOs and community-based associations. Within the general framework of that campaign, Habitat also intended to implement, together with the Office of the United Nations High Commissioner for Human Rights, a United Nations housing rights programme. Recognition of security of tenure would not resolve all the problems, but it was a necessary precondition for setting up a sustainable housing policy.

33. She was sure that the appointment of a special rapporteur on housing rights would be a major step forward and a reflection of the Commission's commitment and that it would allow the action taken in that area by United Nations agencies to be coordinated.

34. Ms. ABOULNAGA (Observer for Egypt) said that people could not exercise their civil and political rights unless they enjoyed their economic, social and cultural rights. Such an approach could not be considered as an attempt to limit State responsibility in respect of the realization of civil and political rights, as it was quite clear that the exercise of the latter was the ultimate objective.

35. The United Nations High Commissioner for Human Rights had denounced the poverty afflicting a growing number of people at a time of unparalleled prosperity in some parts of the world. With respect to the realization of economic, social and cultural rights, as well as civil and

political rights, the poorest countries, especially the African countries, still faced serious obstacles. In that connection, it was noteworthy that an African-European summit had just opened in the Egyptian capital, during which the issue of forgiving the debt of the poorest countries would be high on the agenda.

36. Her Government had reservations about the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, which provided for the submission of communications in the case of non-observance of the rights set forth in the Covenant. It was well known that many non-State actors played a role in the economy and it would not be fair if States were punished when they did not have complete control over economic activity and when poor countries often had their hands tied in that area. It was especially important that the international community, particularly the industrialized countries, should create more equitable economic conditions.

37. Ms. AVILA SEIFERT (Observer for Bolivia) said that, in Bolivia, a heavily indebted developing country where the average income was barely more than US$ 1,000, economic, social and cultural rights were recognized in the Constitution. In recent decades, her Government had enacted, not without sacrifice, radical reforms in all spheres to ensure enjoyment of those rights. To that end, it had adopted many laws and taken the necessary measures. The People's Participation Act had strengthened town council's administrative autonomy and hence citizens' participation in decision-making. The Office of the Ombudsman was responsible for defending citizens' rights. The Domestic Violence Act, the children's and young people's advocates and other mechanisms to protect the family ensured greater observance of the rights of women and children. Act No. 975 of 1998 provided employment guarantees for pregnant women. Moreover, the new electoral code, the Quotas Act and the decree on equal opportunities for men and women promoted the realization of women's rights.

38. The Educational Reform Act guaranteed that education was free, as well as intercultural and bilingual. A national literacy plan had been implemented as part of the anti-poverty campaign. The four pillars of health policy were basic health insurance, a State pension scheme, epidemiological monitoring and improved health services. Children had the right to a breakfast provided free of charge in school. In the area of work and training, the non-stop working day had been introduced and various training centres opened. The heads of small businesses and craft workers received specific forms of support, including microcredit.

39. For 20 years, Bolivia had been characterized by political and economic stability and very low levels of violence. Nevertheless, it was still one of the least developed countries in South America. The value of its exports had fallen in absolute terms. Despite all its efforts, the sacrifices made and the implementation of recommendations by international agencies, its economic and social situation had barely improved. Bolivia was currently going through a particularly serious crisis - so serious that the Government had launched an emergency plan to boost the economy. The fact was that the repayment of its foreign debt, the closure of foreign markets to its new products and the deterioration in its terms of trade were paralysing the country. Those conditions meant that Bolivia, like so many other countries, could not achieve the objectives laid out in international conventions. In that kind of situation, a State could not guarantee the full observance of its citizens' rights unless the international community gave it the

means with which to realize its right to development and to draw up programmes adapted to its particular circumstances and gave it access to information technology and scientific advances.

40. Mr. MASUKU (Food and Agriculture Organization of the United Nations - FAO) recalled that the World Food Summit, held in Rome in November 1996, had set the target of halving the number of undernourished people by the year 2015 and had reaffirmed the right of everyone to adequate food, in conformity with article 11 of the International Covenant on Economic, Social and Cultural Rights. The High Commissioner for Human Rights had been entrusted with the task of better defining food-related rights and proposing ways to implement them. He was pleased to note that, in cooperation with other organizations, the High Commissioner had made considerable progress in the implementation of her mandate, as was clear from the report she had submitted to the Commission (E/CN.4/2000/48).

41. The year 1999 had been marked by the following events: the holding of a seminar on the policies of rights-based approaches to food and nutrition, the adoption by the Committee on Economic, Social and Cultural Rights of the general comment on the right to adequate food and the updating of the study on the right to food submitted by the Sub-Commission's Special Rapporteur on the right to adequate food as a human right, Mr Asbjørn Eide. Those were important milestones in the realization of objective 7.4 of the World Food Summit Plan of Action.

42. However, although the normative content of the right to adequate food and the nature of State obligations had been clarified, the implementation of that right still left much to be desired. In its resolution 1999/12, the Sub-Commission had recommended that the High Commissioner should organize a consultation on that issue. He supported that proposal. According to FAO statistics, the number of people who were undernourished was falling, but progress was slow - too slow for the objective set at the World Food Summit to be achieved.

43. It was therefore important that all the authorities concerned, particularly Governments, should step up their efforts to promote the implementation of the right to adequate food. He stressed that the States parties to the International Covenant on Economic, Social and Cultural Rights had an obligation to take the appropriate legal and administrative measures for that purpose. The Committee on Economic, Social and Cultural Rights, the Special Rapporteur and the Sub-Commission had recommended the adoption of framework legislation for the implementation of the right to adequate food. FAO was very much in favour of that proposal. States wishing to include provisions on the right to food in their legislation could seek assistance from the advisory services of the High Commissioner or FAO.

44. The next session of the FAO Committee on World Food Security would be held in September 2000. On that occasion, States might wish to include, in their statement to the Committee, comments on actions they had taken to put into effect the commitments they had undertaken at the World Food Summit. Meanwhile, the Commission might like to request the High Commissioner to make recommendations in her report to the Committee for strengthening cooperation between the secretariats of the main organizations concerned with the right to food.

45. Mr. PERAZZO SCAPINO (Observer for Uruguay) said that his country was ranked 40th out of 174 countries on the human development index of the United Nations Development

Programme (UNDP); that meant it had achieved a high level of human development. Of the 18 countries of the Economic Commission for Latin America and the Caribbean, it was the one that devoted the largest part of its budget to social expenditure and one of those with the lowest levels of poverty. In fact, poverty had been in continuous decline throughout the 1990s. Those results, in which his Government took pride, had been achieved through the adoption of measures to help the most vulnerable sectors of the population and through price stability.

46. With regard to education, his Government had set up an ambitious investment programme to build nursery schools, with priority being given to disadvantaged areas. Half of the new pupils enrolled following the educational reform were from the social classes with the lowest income. The four points highlighted by the Special Rapporteur on the right to education, namely, availability, accessibility, acceptability and adaptability, were covered in his Government's education policy.

47. His Government attached great importance to the activities of the Working Group on Structural Adjustment and found the joint report by the independent expert on structural adjustment and the Special Rapporteur on foreign debt very interesting. The adoption of the resolution on structural adjustment programmes and the links between them and economic, social and cultural rights should be an opportunity to hold a wide-ranging, in-depth and practical debate on the effects of those adjustments and to consider producing guidelines in that area.

48. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that, 30 years earlier, the first International Conference on Human Rights had stated, in the Proclamation of Teheran, that the full enjoyment of civil and political rights was impossible without that of economic, social and cultural rights. Despite the clarity of that statement and the fact that the international community had later recognized the indivisibility of the aforementioned rights, the fact was that the issue of the realization of economic, social and cultural rights was dealt with only as a side issue at the international level and no significant progress in the enjoyment of those rights could be observed. It was equally disappointing that, although the main obstacles to the full realization of economic, social and cultural rights had been identified, they had neither received the consideration they deserved nor been followed up by concrete and tangible measures within the United Nations system and the international community at large.

49. The imbalance between economic, social and cultural rights and civil and political rights therefore persisted, while the gap between developed and developing countries grew wider. The countries of the South were increasingly concerned that the Commission always put the emphasis on civil and political rights. No mention was made of the statement in the Vienna Declaration and Programme of Action that human rights were universal, indivisible, interdependent and interrelated.

50. One of the obstacles facing the developing countries in the exercise of their economic, social and cultural rights, including the right to development, was the thorny problem of foreign debt. Those countries should be helped and their Governments' efforts supported. Financial, monetary and economic institutions and trade organizations should make greater efforts to eliminate the obstacles to the enjoyment of economic, social and cultural rights, including through the adoption of transparent and objective criteria and through healthy and unbiased cooperation with all States.

51. Mr. AL-ATTAR (Observer for Yemen) said that, in 1995, his country had prepared in conjunction with the IMF and the World Bank, a reform programme to reduce the budget deficit and improve the country's balance of payments. As part of that programme, the Government had stopped subsidizing staple goods and that had had very negative effects on people's living conditions, particularly among the poorest. Moreover, during the period 1992-1996, salaries had fallen by 70 per cent in real terms. The return of 600,000 migrants to the country had also increased unemployment. That situation had forced the Government to take steps in the field of food security in order to meet the needs of around 50,000 families. Generally speaking, the Government provided assistance to 40 per cent of the population living below the poverty line. The difficulties encountered by Yemen were similar to those facing many other developing countries. It was vital that the creditor countries should alleviate the debt burden of those countries. In that connection, he asked that the recommendations made along those lines by the regional round tables, particularly the one recently held in Sana'a, should be implemented. A special rapporteur should also be appointed to follow closely the issue of developing countries' debt.

52. Ms. JOYE (International Federation of University Women) made a statement on behalf of her own organization and the following NGOs: the International Federation of Business and Professional Women, Zonta International, the World Federation of Methodist and Uniting Church Women, the International Council of Women, the International Alliance of Women, the Associated Country Women of the World, the Women's World Summit Foundation, Soroptimist International, the World Young Women's Christian Association and the World Alliance of Young Men's Christian Associations.

53. Recalling the commitments entered into by States at the World Summit for Social Development in Copenhagen, particularly the commitment to promote the economic, social and cultural rights of women and to bring about gender equality, she asked those Governments which had not yet done so to ratify the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization (ILO) conventions on gender equality in the workplace. The first step towards observance of women's rights was to recognize those of young girls, as set forth in the Convention on the Rights of the Child. It was also very important to ensure equality for women against the background of globalization and the new economy based on information, communication and technology. It was equally vital to ensure that women's rights both as mothers and as workers were respected. That was the intention of the Convention concerning Maternity Protection, due to be debated by the ILO at its annual conference in June 2000. In the same vein, ILO Convention (No. 156) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities was closely linked to the Equal Remuneration Convention (No. 100) and the Discrimination (Employment and Occupation) Convention (No. 111).

54. Moreover, the commitment by Governments to promote access for all to education implied that the mandate of the Special Rapporteur on the right to education should be renewed in the coming year. In that connection, she stressed that women and girls still had very limited access to both formal and informal basic education and that the situation was worse in middle and higher education.

55. Recalling that the Economic and Social Council and the General Assembly had stressed the importance of gender-mainstreaming at all levels of society and the need to ensure that women were involved in decision-making and the pursuit of sustainable social and economic development, she said it was unfortunate that United Nations bodies did not systematically provide gender-disaggregated data. She therefore called on all those bodies and States parties to adopt that practice, as recommended, moreover, by the ILO Conference in 1998.

56. Lastly, she was pleased to note that women were successful in setting up enterprises with the very limited means at their disposal. It was vital that Governments and banking and financial institutions should facilitate women's access to credit. Likewise, in property matters, women should no longer be treated like irresponsible minors, as they were at the moment, even in some developed countries. Only by acquiring full legal capacity would women be able to play an increasingly important role in the new economy based on electronic commerce, particularly in the context of subcontracting, which, according to the United Nations Conference on Trade and Development (UNCTAD), was becoming more and more important.

57. In the light of the foregoing, she believed that the draft resolution on the right of women to land, property and housing, which the delegation of Mexico intended to submit, was crucial. She urged the Commission to adopt that text at its current session.

58. Mr. MIOT (International Federation of Rural Adult Catholic Movements - FIMARC) said that the current research into genetically modified organisms (GMOs) was jeopardizing food sovereignty, food security and biodiversity. Such research was against the interests of farmers and consumers. In fact, the seed companies' aim was to force farmers to buy increasingly high-yield seed and new pesticides every year. The concentration of agrochemical firms was disturbing. Eight companies accounted for four fifths of the world agrochemical market and were preparing to control world food production and introduce GMOs. The alliance between agrochemical transnational corporations and seed companies put farmers in a position of total dependence. That was the reason for the protests outside the office of the World Trade Organization (WTO) in Geneva in June 1999 by representatives of farmers' organizations from the countries of the South, including Brazil, Mexico and Bangladesh, together with 400 farmers from India.

59. Farmers' organizations and the movements of FIMARC strongly urged that research into biotechnology should not be restricted to GMOs, but should be devoted, inter alia, to improving conventional seeds or research into drought-resistant varieties of plants. They could never accept measures to introduce GMOs into agriculture, as that would jeopardize food sovereignty. That was why they were asking States to ratify quickly the Convention on Biological Diversity, to take the necessary steps to ensure that the protocol on biosecurity recently adopted in Montreal became a tool for policy decisions allowing a State effectively to prohibit GMO imports, and to ensure that three key principles were observed, namely, prevention and precautions, information and transparency and, lastly, the sharing of responsibility by all actors. Those three principles could form the basis for a universal convention on the rights of all forms of life, which would state that "life forms" could not be "appropriated" because they were part of the common heritage of mankind.

60. Ms. TOM (Caritas Internationalis) said that her organization was a confederation of 158 national organizations mandated to spread solidarity and social justice throughout the world, particularly with regard to the poor and marginalized. One way to combat poverty was through debt relief. However, it was essential to ensure that the benefits of such relief reached the poorest; in other words, they should take the form of investment in education and health care.

61. Although some Governments were aware of the problem and had taken substantial steps to improve the situation of the heavily indebted poor countries, in many cases that debt had reached such levels that it was stifling all economic and social development. According to UNICEF, in one African country, four times more was spent on repaying debt than on primary education and nine times more than on the budget for basic health care. She recalled that, in November 1999, the Security Council itself, being aware of the close links between economic and social problems and armed conflicts, had stressed the need to assist Member States in eradicating poverty, strengthening development cooperation and assistance and promoting respect for human rights and fundamental freedoms.

62. Mr. ELOFSSON (International Save the Children Alliance) said that economic policy decisions had a direct effect on all aspects of children's lives. A number of analytical tools were necessary if the rights of children were to be taken into account in policy-making. As a contribution to the formulation of such tools, his organization had published a book on the situation of children and economic policy within the European Union. The book showed that the effects on children of policies adopted by the European Union, including monetary policies, were rarely taken into account. The same was true of labour policies. In that area, globalization had led the countries to show greater flexibility, which had in some cases been beneficial for children. However, in other cases, that flexibility had taken the form of short-term contracts and insecurity, which had had negative effects on families. Generally speaking, labour policies seldom took into account the situation of children.

63. In the field of trade, although many European Union trade agreements included a human rights clause, those clauses almost never concerned children. It was virtually impossible to determine the level of budgetary resources allocated by the countries of the European Union to children's development. Generally speaking, macroeconomic policies, far from being neutral, tended to be biased in favour of adults. His organization and its partners in the developing countries were therefore working on child-focused budget analyses, which were a first step towards child-friendly policy-making.

64. In conclusion, he invited all Governments, particularly those of the member countries of the European Union, to analyse and monitor closely the effects of macroeconomic policies on different age groups, including children, to study the impact of trade agreements on children's well-being and to ensure that those agreements included a clause on human, particularly children's, rights, and to identify the resources which, directly or indirectly, benefited children.

65. Mr. PERERA (World Federation of United Nations Associations) drew attention to the appalling situation of the vast majority of people in sub-Saharan Africa, excluding South Africa.

66. According to the Human Development Report 1999, 26 of the 35 poorest countries in the world were located in that region. A very high percentage of the people in those countries lived

below the poverty line and the health situation there, especially that of children, was deplorable. Of the 34 countries most affected by AIDS, 29 were in sub-Saharan Africa and it was estimated that 50 per cent of the children born there in the next few years would be HIV-infected. In the same region, 42.4 per cent of adults were illiterate and most children dropped out of school very early. There was a clear gender gap, particularly with regard to access to education and participation in economic and political activities. Genital mutilation of girls was still widespread in the region. Moreover, of the 41 most heavily indebted poor countries, 33 were in sub-Saharan Africa. There was therefore a need to reduce the debt burden of those countries, as provided for in the Heavily Indebted Poor Countries Debt Initiative; their debt should be partially or even totally cancelled. The Lomé Convention should be renegotiated so that aid was directed towards specific projects in the areas of health and education. It was true that instability in those countries and the reports of corruption among the elites discouraged foreign investment. While it was obviously up to the countries themselves to remedy the situation with the help of regional organizations, the international community still had a crucial role to play in the development of sub-Saharan Africa, especially if it was not to be allowed to remain marginalized as it had been before and during the genocide in Rwanda.

67. Ms. MWEBWE NTUMBA (International Federation of Human Rights Leagues) said that less attention had always been paid to economic, social and cultural rights, including by the Commission on Human Rights. Globalization, however, had brought with it an increase in the number of economic and social actors, so that the question of the responsibility of those new actors was now of paramount importance.

68. It was vital that the validity of trade agreements should be subordinate to compliance with international human rights instruments. Governments and economic bodies, with WTO at the forefront, should ensure that free trade did not become an end in itself, but was aimed at achieving sustainable development and respect for human rights. She therefore requested the Commission to consider setting up a mechanism to ensure that multilateral trade agreements were compatible with the principles set forth in the Universal Declaration of Human Rights and the two 1966 covenants. Moreover, the conclusion of a formal cooperation agreement between the Office of the United Nations High Commissioner for Human Rights and WTO would be a decisive step in having human rights, particularly economic, social and cultural rights, properly taken into account in negotiations on trade agreements.

69. The State was still the only actor with truly international obligations to monitor the observance of those rights. The adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights would make it possible to clarify the responsibility of States which used the growing importance of external actors as a smokescreen and also to recognize the right to individual remedies. Recourse to such remedies should not be restricted to the right to work, but should also apply to the right to housing, the right to health care, the right to food and the right to education. The Committee on Economic, Social and Cultural Rights had in fact reaffirmed that every right contained in the Covenant comprised at least a minimum number of enforceable elements. That was already the case in Europe, where a trade union or an NGO could bring a case before the European Committee of Social Rights.

70. Ms. DEONNA (Union of Arab Jurists), speaking also on behalf of the World Movement of Mothers, the Women's International Democratic Federation, the General Federation of Arab

Women and the International Organization for the Elimination of All Forms of Racial Discrimination, said that the economic sanctions imposed on Iraq hit the most disadvantaged sectors of the population hardest and that a generation of young Iraqis was growing up suffering physically and mentally from the lack of food and care. The sanctions flagrantly violated article 1 of the two international human rights covenants, according to which a people could in no case be deprived of its own means of subsistence.

71. She was a journalist and writer and had received the United Nations Educational, Scientific and Cultural Organization (UNESCO) Prize for Peace Education in 1987, written a book on the Gulf War entitled Mon enfant vaut plus que leur pétrole ("My child is worth more than their oil") and had chaired a seminar entitled "Iraq + depleted uranium + embargo = genocide", held at the University of Geneva in March 2000.

72. During the seminar, participants had heard reports denouncing the iniquitous decisions which, in the name of the embargo, left the Iraqi people starving, sick and humiliated. Shortly before then, the United Nations Humanitarian Coordinator for Iraq in Baghdad, Mr. Hans von Sponek, and the head of the World Food Programme in Baghdad, Ms. Utta Burkart, had handed in their resignations and denounced an intolerable situation. Mr. von Sponek's predecessor, Mr. Dennis Halliday, had also resigned, saying: "The tragedy of the Iraqi civilians has reached a point where I can no longer remain silent".

73. According to Le Monde of 16 March, a delegation of five American advisers, who had been sent to Iraq by the House of Representatives, had said in their report that "the oil-for-food programme barely satisfies the immediate physical needs of the Iraqis, while nothing is being done to meet their spiritual needs".

74. In the light of the suffering of the Iraqi people, the Commission on Human Rights should adopt a resolution demanding the immediate lifting of that unjust embargo.

75. Mr. TAMTHAI (Asian Legal Resource Centre Ltd.) said that food was so scarce in Myanmar that one inhabitant who had fled to Thailand had said that it was a privilege for him and his family to have become refugees.

76. In flagrant violation of the right to adequate food, the army of Myanmar burned food and crops, displaced communities and relocated them in regions where they could not provide for themselves. As reported by the ILO, moreover, the State forced people to work without wages on the construction of roads, dams or canals.

77. All parties to the armed conflict in Myanmar should recognize that food, crops and farmland were not legitimate military targets and that the people displaced by conflict should be able to return home and resume subsistence farming without being compelled to do forced labour or being subjected to arbitrary taxes. Lastly, the authorities of Myanmar should stop giving priority to rice exports at the expense of food security and should improve their relations with farmers.

78. Ms. LAMBERT (Centre on Housing Rights and Evictions) said that over 1 billion people were inadequately housed, over 100 million were homeless and millions were facing eviction,

especially in situations of armed conflict. While the victims of the mostly violent evictions were left to their fate, the perpetrators of those human rights violations often enjoyed impunity.

79. When it came to getting access to credit, especially to purchase housing, there was every likelihood that poor women would be discriminated against, both because, as women, they needed a male guarantor and because their income was too low. And yet the right to housing was enshrined in many international human rights instruments. Everyone knew that a person with nowhere to live could not fully exercise his or her rights.

80. That was why her organization urged the Commission to adopt the draft resolution on economic, social and cultural rights sponsored by Germany and to appoint a special rapporteur on the right to housing at its current session. The Commission should also adopt the draft resolution on women and the right to land, property and housing, sponsored by Mexico. Lastly, it should consider adopting resolutions on the right to housing and the restitution of property to internally displaced persons and refugees and a resolution on forcible evictions to supplement Commission resolution 1993/77.

81. Mr. OZDEN (Centre Europe-Tiers Monde) said that, according to Mr. Cheru and Mr. Figueredo (para. 6 of their joint report, E/CN.4/2000/51), the Heavily Indebted Poor Countries (HIPC) Debt Initiative was "caught in a complex web of IMF and World Bank eligibility conditions" and "eligibility for debt relief under the enhanced HIPC initiative [was] conditioned upon 'good performance' in the implementation of an IMF and World Bank Enhanced Structural Adjustment Facility ... for a period of three years". In reality, few countries would manage to meet those conditions. So far, only Bolivia, Uganda and Mauritania had benefited from debt relief. Despite that, Mauritania would still have to spend, after relief, more on debt repayments than on education, even though 62 per cent of its population was illiterate.

82. The authors of the report said that credit for assistance to the poor countries, which was already at its lowest level for several decades, could be reduced even further if it was reallocated to financing debt relief. They concluded that there was not much point in granting debt relief if that meant reducing other development resources. In that connection, it should be recalled that, in 1998, the developing countries had repaid $250 billion, while official development assistance had barely reached $30 billion.

83. The authors of the report described the disastrous consequences of implementing structural adjustment programmes and proposed that foreign debt should be cancelled in order to step up the fight against poverty and to pave the way for sustainable human development. However, it seemed that the strategy proposed by the authors would need the support of donors. In that case, the creditor-debtor relationship was simply changed into a donor-beneficiary relationship. Only the form changed, not the substance. An appeal was made to the "far-sightedness" and "generosity" of creditors who became donors, but, at the end of the day, they still made the decisions. The legitimacy of debt was not even called into question. In fact, what was involved was only debt forgiveness - with conditions attached, at that - and not debt cancellation.

84. Mr. RAJKUMAR (Pax Romana) said that the United Nations High Commissioner for Human Rights had told the Economic and Social Council that, at the dawn of the new century,

violations of economic, social and cultural rights must be seen as an affront to human dignity. With regard to globalization, Pope John Paul II had said that, while it had profoundly transformed economic systems by creating unexpected possibilities for growth, it had also left many people by the wayside. At the seminar on the global economy organized by Pax Romana in Washington, D.C., in October 1999, participants had been struck by the keen willingness of the heads of the international financial institutions, particularly the IMF and the Inter-American Development Bank, to enter into genuine dialogue with civil society. In practice, unfortunately, the financial mechanisms set up by those institutions often functioned automatically, thus accentuating the situation of wealth for some and poverty for the rest. The reality was that international economic laws did not take human rights into account. That was why the study by Mr. J. Oloko-Onyango and Ms. Deepika Udgama, entitled "Human rights as the primary objective of international trade, investment and finance policy and practice" (E/CN.4/Sub.2/1999/11), was to be welcomed. In the same vein, Mr. Cheru and Mr. Figueredo stated in their study (E/CN.4/2000/51, para. 97) that the Office of the High Commissioner must be proactive at the technical level and ensure that economic, social and cultural rights were strongly integrated in the activities of the multilateral financial institutions and the regional development banks.

85. Income disparities both between nations and between individuals in the same nation continued to grow wider and the development model advocated by the international financial institutions was not socially viable, as only a minority reaped the benefits of it. He therefore urged the Commission to cooperate with the relevant intergovernmental organizations, States Members of the United Nations, NGOs, civil society and the international financial institutions to redesign the global financial system in accordance with the values of participatory democracy, ethical integrity, transparency and accountability.

86. Mr. ROSSARY (International Movement of Apostolate in the Independent Social Milieux) said that his organization was trying to make people from wealthy or well-off milieux realize that they should be showing solidarity with those from less privileged milieux, not only for moral reasons, but also in their own general interest. In its written statement (E/CN.4/2000/NGO/32), his organization emphasized States' duty to honour their commitments regarding the right to development and the eradication of poverty. In that connection, the lack of consistency shown by States which signed ILO or UNESCO conventions and which were members of WTO was striking.

87. WTO was necessary, but should not be an end in itself. The Commission on Human Rights and the Office of the High Commissioner for Human Rights, which were the guardians of human rights, should propose suitable ways to ensure that WTO respected those rights, especially with regard to the eradication of extreme poverty.

88. Ms. BOWDEN (Liberation) welcomed the publication of document E/CN.4/2000/51, which reviewed the problems facing the world, including the HIV/AIDS pandemic and the debt burden on the poorest countries. She also welcomed the statement by the High Commissioner for Human Rights on the equal importance of economic, social and cultural rights and civil and political rights.

89. The rich countries had been too hesitant and too slow in recognizing how serious the foreign debt burden and the HIV/AIDS pandemic were in Africa. The same criticisms could be levelled at some African leaders, who were often the very ones who had saddled their country with massive debts in order to buy weapons from rich countries to repress their own people. She requested the Commission to adopt a resolution calling for the immediate cancellation of contracts for the sale of weapons and an immediate ban on any military aid to non-democratic Governments.

90. In the past, Indonesia's economic development had relied on foreign investment and the exploitation of natural resources; it had been accompanied by human rights violations and the destruction of the means of subsistence of indigenous and local people. She urged the Commission to remind the Indonesian Government of its promise to ratify the International Covenant on Economic, Social and Cultural Rights. Such a move would contribute to more balanced economic development which would benefit the people of Indonesia at large, not only national and international investors.

91. The measures taken by the Government of Pakistan posed a serious threat to the Sindhi culture, language and religion. She called on the Commission on Human Rights to insist that the Government of Pakistan recognize the right of the Sindhi people to use their own language.

Statements in exercise of the right of reply

92. Mr. GRIBBEN (United States of America), replying to the allegations made by the Minister of Health of Iraq, said that the suffering of the Iraqi people had only one cause: the absolute refusal by the Iraqi regime to implement the resolutions adopted by the United Nations Security Council following the invasion of Kuwait. Under the terms of the oil-for-food programme, Iraq could buy unlimited amounts of food and medicine. Instead, the regime in power preferred to restrict its purchases of vital supplies and stock the goods in government warehouses. Meanwhile, hundreds of millions of dollars were wasted on building new palaces and the brutality that had characterized the Iraqi regime for many years continued unabated.

93. As for the charges about the use of depleted uranium, that was just another attempt to divert the Commission's attention away from the Iraqi regime's deplorable human rights record. The fact was that the International Agency for Research on Cancer had already investigated those allegations and had been unable to come to any conclusion.

94. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) categorically rejected the claims that the sanctions regime imposed by the United Nations was responsible for the plight of the Iraqi people. With the resources available under the oil-for-food programme, there was no reason why the Iraqi people should be short of food or medicine. Responsibility for the situation had to be attributed to the Iraqi regime, which put its own selfish interests before those of the people of the country. Security Council resolution 1284 (1999) was specifically aimed at removing the restrictions on oil exports from Iraq. Potentially, therefore, Iraq had $8 million available to meet the humanitarian needs of the population. Moreover, sanctions would be suspended as soon as the Iraqi authorities showed they were prepared to cooperate with the United Nations inspectors responsible for investigating Iraqi weapons. It was therefore up to Iraq to act.

95. With regard to the claims by the Iraqi Minister of Health that the depleted uranium used in the bombing during the Gulf War had led to an increased incidence of cancers in certain regions, there was not a single fact to justify those statements.

96. Lastly, flights by British planes over the air exclusion zone were fully justified, since, if those patrols stopped, there was no doubt that Shiites and Kurds would again be bombed by Iraq.

97. Mr. AL DOURI (Observer for Iraq) said that over 1,300 contracts had been suspended as a result of the use of the veto by the United States and the United Kingdom, so that US$ 8 billion was currently frozen. That information was contained in documents prepared by the Secretary-General of the United Nations. Since 1996, every Iraqi citizen had received a one-off payment of $250. In those circumstances, how could one talk of the defence of the Iraqi people? Furthermore, Security Council resolution 1284 (1999) was extremely confusing and did nothing to help the Iraqis overcome their difficulties.

98. The United Kingdom and the United States claimed to be defending the Iraqi people while every day their bombers in the air exclusion zone they had created were killing civilians and inflicting serious damage on the country's economic infrastructure.

The meeting rose at 6.05 p.m.